



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt Resolution Authorizing City Manager to Execute Consent to Assignment by Elevator Services Company to Otis Elevator Company  
**MEETING DATE:** May 16, 2012  
**PREPARED BY:** Public Works Director

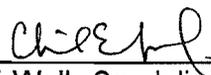
**RECOMMENDED ACTION:** Adopt resolution authorizing City Manager to execute Consent to Assignment by Elevator Services Company to Otis Elevator Company.

**BACKGROUND INFORMATION:** Elevator Services Company has notified the City of Lodi that its business operations are planned to be acquired by Otis Elevator Company, a worldwide organization with annual revenues exceeding \$10 billion. The City currently has a two-year contract for elevator services that was awarded in October 2011. The Consent to Assignment form is attached as Exhibit **A**.

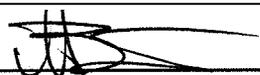
Following the transaction, Elevator Services Company personnel will be employees of Otis Elevator Company. Staff is confident there will be little or no change to the quality of services received by the City resulting from these changes.

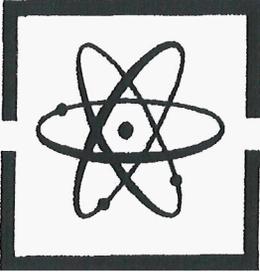
**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

for   
\_\_\_\_\_  
F. Wally Sandelin  
Public Works Director

Prepared by Charles E. Swimley, Jr., City Engineer/Deputy Public Works Director  
FWS/pmf  
Attachment

**APPROVED:**   
\_\_\_\_\_  
Konrad Bartlam, City Manager



# ELEVATOR SERVICES COMPANY

3487 ORANGE GROVE AVE., SUITE Q NORTH HIGHLANDS, CA 95660 PH. (916) 483-4997

April 16, 2012

Job Location: City of Lodi

Contract Number: 541

Description of Job: Service and Repair

I am writing to let you know that Elevator Services Company, your current elevator service provider, is considering a transaction whereby it will sell certain assets of its business, including its elevator maintenance and service contracts, to Otis Elevator Company, to be effective on or about May 1, 2012. It is contemplated that Elevator Services Company's skilled service providers will be employees of Otis Elevator Company following the transaction.

Your contract(s) with Elevator Services Company, referred to above, requires written consent prior to Elevator Services Company assigning its interest in the contract(s) to Otis Elevator Company. I respectfully request that you sign this Consent and return it to me no later than April 26, 2012. Please feel free to contact me if you have any questions or concerns.

### Consent to Assignment

City of Lodi consents to Elevator Service Company's assignment of the contract(s) referred to above, including, subject in all respects to the asset purchase agreement, all of Elevator Service Company's rights, obligations and responsibilities under the contract(s), to Otis Elevator Company or its affiliates. This consent satisfies all notice and consent to assignment requirements in the contract(s).

Agreed and consented to this \_\_\_ day of \_\_\_\_\_, 2012

ATTEST :

Signature: \_\_\_\_\_

Title: City Manager

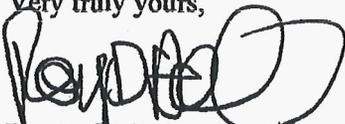
Printed Name: Konradt Bartlam

Date: \_\_\_\_\_

\_\_\_\_\_  
RANDI JOHL  
City Clerk

APPROVED AS TO FORM:

Very truly yours,

  
Roy D. Hall

\_\_\_\_\_  
D. STEPHEN SCHWABAUER  
City Attorney 

RESOLUTION NO. 2012-62

A RESOLUTION OF THE LODI CITY COUNCIL  
AUTHORIZING CITY MANAGER TO EXECUTE CONSENT  
TO ASSIGNMENT BY ELEVATOR SERVICES COMPANY  
TO OTIS ELEVATOR COMPANY

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WHEREAS, Elevator Services Company has notified the City of Lodi that its business operations are planned to be acquired by Otis Elevator Company, a worldwide organization with annual revenues exceeding \$10 billion; and

WHEREAS, the City currently has a two-year contract for elevator services that was awarded in October 2011; and

WHEREAS, following the transaction, Elevator Services Company personnel will be employees of Otis Elevator Company, and staff is confident there will be little or no change to the quality of services received by the City resulting from these changes.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute the Consent to Assignment by Elevator Services Company to Otis Elevator Company.

Dated: May 16, 2012

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I hereby certify that Resolution No. 2012-62 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 16, 2012, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Nakanishi,  
and Mayor Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
WANDI JOHL  
City Clerk